

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HYUNG-KUN P. KIM,
ROBERT A. CORDERY and
LEON A. PINTSOV

Appeal No. 95-4884
Application 08/133,416¹

ON BRIEF

Before URYNOWICZ, THOMAS and HAIRSTON, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed October 8, 1993.

Appeal No. 95-4884
Application 08/133,416

Appellant's have appealed to the Board from the examiner's final rejection of claims 1 to 4. Claims 5 to 7 have been allowed by the examiner.

Representative claim 1 is reproduced below:

1. A method for key management for controlling the keys used in encoding information to be printed on a mailpiece for validating the mailpiece comprising the steps of generating a predetermined number of keys, assigning one of said keys to a particular postage meter by means of a determined relationship associated with the postage meter, said relationship being derived as a predetermined function corresponding to the particular postage meter, and installing the assigned key in the particular postage meter.

The following references are relied on by the examiner:

Edelmann et al. (Edelmann)	4,757,537	Jul. 12, 1988
Iijima	5,202,922	Apr. 13, 1993

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Edelmann. Claims 2 and 4 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Edelmann in view of Iijima.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

We reverse the rejection of claims 1 and 3 under 35 U.S.C.

Appeal No. 95-4884
Application 08/133,416

§ 102. There appears to be no dispute between the appellants and the examiner regarding the teachings of Edelman. The sole dispute appears to resolve around interpreting the language common among independent claims 1 and 3 on appeal.

We quote the following from page 4 of the brief:

In the Final Office Action the Examiner has agreed with Applicants interpretation of Edelman et al. but has disagreed with the scope of the following words that are part of both claims 1 and 3:

generating a predetermined number of keys, assigning one of said keys to a particular postage meter...

The Examiner has found that such words include generating a single key and assigning the single key to a meter. Applicant has asserted that the such words clearly do not support the Examiner's interpretation. Although the words "generating a predetermined number of keys" may be interpreted as including the generation of a single key, when combined with the words "assigning one of said keys to a particular postage meter" such interpretation is clearly incorrect. The predetermined number of keys generated in claims 1 and 3 must be more than one key.

....Clearly, when the step of **"generating a predetermined number of keys"** is combined with the step of **"assigning one of said keys"** only one interpretation is possible, i.e.,

that more than one key is being generated in the methods of claims 1 and 3. No other interpretation is possible.

We fully agree with appellants' positions set forth in the above quoted material. We interpret the common language among independent claim 1 in the same manner generally asserted by appellants. Edelmann from our study clearly generates only one set of keys. Even though the language of generating a predetermined number of keys may be construed to generate only a single key, as asserted by appellants, when this language is taken in the context of the next succeeding clause of independent claims 1 and 3 of assigning one of said generated "keys" to a particular postage meter, claims 1 and 3 indicate to the reader that a plurality of keys must necessarily have been generated in the generation of a predetermined number of keys clause of each claim on appeal. Inasmuch as the examiner has set forth no additional arguments in the answer and both parties are in agreement with our view that Edelmann teaches only the generation of a single set of keys at a time, the rejection of claims 1 and 3 must be reversed. As such, the rejection of their respective dependent claims 2 and 4 under 35 U.S.C. § 103 must also be reversed.

Appeal No. 95-4884
Application 08/133,416

In view of the foregoing, the decision of the examiner
rejecting claims 1 to 4 is reversed.

REVERSED

STANLEY M. URYNOWICZ, JR.
Administrative Patent Judge

JAMES D. THOMAS
Administrative Patent Judge

KENNETH W. HAIRSTON

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Appeal No. 95-4884
Application 08/133,416

Administrative Patent Judge)

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